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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 2

SURVEY OF EXISTING AGREEMENTS AND INSTRUMENTS AND ITS FOLLOW-UP

Draft decision

China and Pakistan*

The Preparatory Committee, recalling General Assembly resolution 44/228, on the United Nations Conference on Environment and Development, decides that the following text should be inserted as section 8, chapter IV, of Agenda 21.

Introduction

The Preparatory Committee emphasizes the importance of the participation in and contribution of all countries, in particular the developing countries to the development of international law on sustainable development,

The Preparatory Committee recognizes that most of the existing international legal instruments and agreements in the field of environment have so far been developed without adequate participation and contribution of developing countries, and thus do not fully reflect the priorities and interests of those States,

The Preparatory Committee is aware of imbalances in the effective governance of existing legal agreements and instruments, including programme activities, working groups and regular review meetings.

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* On behalf of the States Members of the United Nations that are members of the Group of 77.

Basis for action

The relationship between existing international agreements or instruments in the field of environment and relevant international trade agreements or instruments should be strengthened, taking into account the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of Developing Countries, 1/ and the International Development Strategy for the Fourth United Nations Development Decade. 2/

States should cooperate to develop further international law in the field of sustainable development. In doing so, special attention should be given to the delicate balance between environmental and development concerns.

Any attempt at codification of international law in the field of sustainable development should be universal, transparent and democratic, within the framework of the United Nations.

While global participation is essential for the success of the treaty making in the field of international law of sustainable development, the special needs and concerns of developing countries should be adequately covered.

Future codification projects will have to take into account the ongoing work of the International Law Commission.

That the developing countries should be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law.

Objectives

The overall objective of the review and development of the international environmental law should be aimed at integration of environment and development policies through effective universally valid and multilaterally negotiated international agreements and instruments, taking into account the needs and concerns of the developing countries. Specific objectives are:

(a) To identify and address difficulties which prevent developing countries from participating in or duly implementing existing international legal instruments;

1/ General Assembly resolution S-18/3 of May 1990.

2/ General Assembly resolution 45/199 of 21 December 1990, annex.

(b) To review and revise, as appropriate, the relevant existing international legal instruments in the light of integration of environmental and developmental concerns, taking into account special needs and situation of developing countries in order to lay down a sound basis for future implementation of these instruments;

(c) To set priorities for future law making, taking into account the principles of universality, transparency and democracy;

(d) To promote and support the effective participation of developing countries, particularly the least developed countries, in the negotiation and governance of international legal agreements and instruments, including technical and financial assistance and other available mechanisms for this purpose;

(e) To promote, through the gradual development of universally valid, multilaterally negotiated agreements and international standards for the protection of environment that take into account the different situations and capabilities of countries, in order to combat through international cooperation unilaterally set environmental standards that may be used as excuses for unjustified additional barriers to trade.